

## AIR NAVIGATION

*Exchange of notes at Copenhagen March 12 and 24, 1934, with text of arrangement*

*Entered into force April 16, 1934*

*Supplemented by agreement of December 16, 1944*<sup>1</sup>

48 Stat. 1855; Executive Agreement Series 58

*The American Minister to the Minister of Foreign Affairs*

LEGATION OF THE UNITED STATES OF AMERICA

No. 46

COPENHAGEN, March 12, 1934

### EXCELLENCY:

Reference is made to the negotiations which have taken place between the Government of the United States of America and the Government of Denmark for the conclusion of a reciprocal air navigation arrangement between the United States of America and Denmark, governing the operation of civil aircraft of the one country in the other country.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:

### ARTICLE 1

Pending the conclusion of a convention between the United States of America and Denmark on the subject of air navigation, the operation of civil aircraft of the one country in the other country shall be governed by the following provisions:

### ARTICLE 2

The present arrangement shall apply to the United States of America and Denmark, and likewise, subject to the provisions of the second paragraph of Article 6, the following possessions, territories or colonies over which they respectively exercise jurisdiction, including territorial waters:

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<sup>1</sup> EAS 430, *post*, p. 114.

- (a) Alaska, Puerto Rico, Virgin Islands of the United States, and American Samoa.
- (b) Greenland.

### ARTICLE 3

The term aircraft with reference to one or the other Party to this arrangement shall be understood to mean civil aircraft, including state aircraft used exclusively for commercial purposes, duly registered in the territory of such Party.

### ARTICLE 4

Each of the parties undertakes to grant liberty of passage above its territory in time of peace to the aircraft of the other party, provided that the conditions set forth in the present arrangement are observed.

It is, however, agreed that the establishment and operation of regular air routes by an air transport company of one of the parties within the territory of the other party or across the said territory, with or without intermediary landing, shall be subject to the prior consent of the other party given on the principle of reciprocity and at the request of the party whose nationality the air transport company possesses.

Each party to the arrangement agrees that its consent for operation over its territory by air transport companies of the other party may not be refused on unreasonable or arbitrary grounds. The consent may be made subject to special regulations relating to aerial safety and public order.

The parties to this arrangement agree that the period in which pilots may, while holding valid pilot licenses issued or rendered valid by either country, operate registered aircraft of that country in the other country for non-industrial or non-commercial purposes shall be limited to a period not exceeding six months from the time of entry for the purpose of operating aircraft, unless prior to the expiration of this period the pilots obtain from the government of the country in which they are operating, pilot licenses authorizing them to operate aircraft for non-industrial or non-commercial purposes.

### ARTICLE 5

The aircraft of each of the Parties to this arrangement, their crews and passengers, shall while within the territory of the other Party, be subject to the general legislation in force in that territory as well as the regulations in force therein relating to air traffic in general, to the transport of passengers and goods and to public safety and order insofar as these regulations apply to all foreign aircraft, their crews and passengers.

Each of the Parties to this arrangement shall permit the import or export of all merchandise which may be legally imported or exported and also the carriage of passengers, subject to any customs, immigration and quarantine restrictions, into or from their respective territories in the aircraft of the other Party, and such aircraft, their passengers and cargoes, shall enjoy the same privileges as and shall not be subjected to any other or higher duties or charges than those which the aircraft of the country, imposing such duties or charges, engaged in international commerce, and their cargoes and passengers, or the aircraft of any foreign country likewise engaged, and their cargoes and passengers, enjoy or are subjected to.

Each of the Parties to this arrangement may reserve to its own aircraft air commerce between any two points neither of which is in a foreign country. Nevertheless the aircraft of either Party may proceed from any aerodrome in the territory of the other Party which they are entitled to use to any other such aerodrome either for the purpose of landing the whole or part of their cargoes or passengers or of taking on board the whole or part of their cargoes or passengers provided that such cargoes are covered by through bills of lading and such passengers hold through tickets, issued respectively for a journey whose starting place and destination both are not points between which air commerce has been duly so reserved and such aircraft, while proceeding as aforesaid, from one aerodrome to another shall, notwithstanding that such aerodromes are points between which air commerce has been duly reserved, enjoy all the privileges of this arrangement.

#### ARTICLE 6

Each of the Parties to this arrangement shall have the right to prohibit air-traffic over certain areas of its territory, provided that no distinction in this matter is made between its aircraft engaged in international commerce and the aircraft of the other Party likewise engaged. The areas above which air traffic is thus prohibited by either Party must be notified to the other Party.

Each of the Parties may make the right to engage in air traffic over any of its possessions, territories or colonies, specified in subparagraphs (a) or (b) of Article 2, dependent upon the granting of a special permit and upon the fulfillment of special conditions and rules, provided that, subject to the right to reserve to national aircraft air commerce as described in the third paragraph of Article 5, no distinction in this matter is made between aircraft registered in its territory and aircraft registered in territory of the other Party. Each Party shall notify the other Party of its possession, territory or colony over which air traffic will not be permitted without a special permit.

Each of the Parties reserves the right under exceptional circumstances in time of peace and with immediate effect temporarily to limit or prohibit air traffic above its territory on condition that in this respect no distinction is made between the aircraft of the other Party and the aircraft of any foreign country.

## ARTICLE 7

Any aircraft which finds itself over a prohibited area referred to in the first paragraph of Article 6 shall, as soon as it is aware of the fact, give the signal of distress prescribed in the Rules of the Air in force in the territory flown over and shall land as soon as possible at an aerodrome situated in such territory outside of but as near as possible to such prohibited area.

## ARTICLE 8

All aircraft shall carry clear and visible nationality and registration marks whereby they may be recognized during flight. In addition, they must bear the name and address of the owner.

All aircraft shall be provided with certificates of registration and of airworthiness and with all the other documents prescribed for air traffic in the territory in which they are registered.

The members of the crew who perform, in an aircraft, duties for which a special permit is required in the territory in which such aircraft is registered, shall be provided with all documents and in particular with the certificates and licenses prescribed by the regulations in force in such territory.

The other members of the crew shall carry documents showing their duties in the aircraft, their profession, identity and nationality.

The certificates of airworthiness, certificates of competency and licenses issued or rendered valid by one of the Parties to this arrangement in respect of an aircraft registered in its territory or of the crew of such aircraft shall have the same validity in the territory of the other Party as the corresponding documents issued or rendered valid by the latter.

Each of the Parties reserves the right for the purpose of flight within its own territory to refuse to recognize certificates of competency and licenses issued to nationals of that Party by the other Party.

## ARTICLE 9

Aircraft of either of the Parties to this arrangement may carry wireless apparatus in the territory of the other Party only if a license to install and work such apparatus shall have been issued by the competent authorities of the Party in whose territory the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory within whose air space the aircraft is navigating.

Such apparatus shall be used only by such members of the crew as are provided with a special license for the purpose issued by the Government of the territory in which the aircraft is registered.

The Parties to this arrangement reserve respectively the right, for reasons of safety, to issue regulations relative to the obligatory equipment of aircraft with wireless apparatus.

## ARTICLE 10

No arms of war, explosives of war, or munitions of war shall be carried by aircraft of either Party above the territory of the other Party or by the crew or passengers, except by permission of the competent authorities of the territory within whose air space the aircraft is navigating.

## ARTICLE 11

Upon the departure or landing of any aircraft each Party may within its own territory and through its competent authorities search the aircraft of the other Party and examine the certificates and other documents prescribed.

## ARTICLE 12

Aerodromes open to public air traffic in the territory of one of the Parties to this arrangement shall in so far as they are under the control of the Party in whose territory they are situated be open to all aircraft of the other Party, which shall also be entitled to the assistance of the meteorological services, the wireless services, the lighting services, and the day and night signalling services, in so far as the several classes of services are under control of the Party in whose territory they respectively are rendered. Any scale of charges made, namely, landing, accommodation or other charge, with respect to the aircraft of each Party in the territory of the other Party, shall in so far as such charges are under the control of the Party in whose territory they are made be the same for the aircraft of both Parties.

## ARTICLE 13

All aircraft entering or leaving the territory of either of the Parties to this arrangement shall land at or depart from an aerodrome open to public air traffic and classed as a customs aerodrome at which facilities exist for enforcement of immigration regulations and clearance of aircraft, and no intermediary landing shall be effected between the frontier and the aerodrome. In special cases the competent authorities may allow aircraft to land at or depart from other aerodromes, at which customs, immigration and clearance facilities have been arranged. The prohibition of any intermediary landing applies also in such cases.

In the event of a forced landing outside the aerodromes, referred to in the first paragraph of this article, the pilot of the aircraft, its crew and the passengers shall conform to the customs and immigration regulations in force in the territory in which the landing has been made.

Aircraft of each Party to this arrangement are accorded the right to enter the territory of the other Party subject to compliance with quarantine regulations in force therein.

The Parties to this arrangement shall exchange lists of the aerodromes in their territories designated by them as ports of entry and departure.

## ARTICLE 14

Each of the Parties to this arrangement reserves the right to require that all aircraft crossing the frontiers of its territory shall do so between certain points. Subject to the notification of any such requirements by one Party to the other Party, and to the right to prohibit air traffic over certain areas as stipulated in Article 6 the frontiers of the territories of the Parties to this arrangement may be crossed at any point.

## ARTICLE 15

As ballast, only fine sand or water may be dropped from an aircraft.

## ARTICLE 16

No article or substance, other than ballast, may be unloaded or otherwise discharged in the course of flight unless special permission for such purpose shall have been given by the authorities of the territory in which such unloading or discharge takes place.

## ARTICLE 17

Whenever questions of nationality arise in carrying out the present arrangement, it is agreed that every aircraft shall be deemed to possess the nationality of the Party in whose territory it is duly registered.

## ARTICLE 18

The Parties to this arrangement shall communicate to each other the regulations relative to air traffic in force in their respective territories.

## ARTICLE 19

The present arrangement shall be subject to termination by either Party upon sixty days' notice given to the other Party or by the enactment by either Party of legislation inconsistent therewith.

I shall be glad to have you inform me whether it is the understanding of your Government that the arrangement agreed to in the negotiations is as herein set forth. If so, it is suggested that the arrangement become effective on April 16, 1934.

Accept, Excellency, the renewed assurances of my highest consideration.

RUTH BRYAN OWEN

His Excellency

Dr. P. MUNCH,

*Royal Minister for Foreign Affairs,  
Copenhagen.*

*The Minister of Foreign Affairs to the American Minister*

UDENRIGSMINISTERIET

Ø.P.I. Journal Nr. 93.D.32

COPENHAGEN, *March 24, 1934*

MADAM:

I have the honour to acknowledge the receipt of the note of the 12th instant in which you communicated to me the text of the reciprocal air navigation arrangement between Denmark and the United States of America, governing the operation of civil aircraft of the one country in the other country, as understood by you to have been agreed to during the negotiations, now terminated, between the two countries.

The text which you have communicated to me is reproduced below:

[For text of arrangement, see U.S. note, above.]

I am glad to assure you that the foregoing text is what has been accepted by my Government in the course of the negotiations and is approved by it.

In accordance with your suggestion it is understood that the arrangement will come into force on April 16, 1934.

I avail myself of this opportunity to renew to you, Madame, the assurance of my high consideration.

P. MUNCH

Mrs. RUTH BRYAN OWEN,  
*Minister of the United States of America.*